

1 THE HONORABLE RICHARD A. JONES
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON

7 SEATTLE DIVISION

8 JESSE RODRIGUEZ, individually and on
9 behalf of all others similarly situated,

10 Plaintiff,

v.

11 99th FLOOR, LLC d/b/a
12 TOPTRADELINES, MARCIO ANDRADE
and JOHN DOES 1-25,

Defendants.

No. 2:16-cv-00018-RAJ

PLAINTIFF'S MOTION TO EXTEND
TIME LIMIT FOR SERVICE OF
SUMMONS AND AMENDED
COMPLAINT

Clerk's Action Required

NOTE ON MOTION CALANDER:
July 18, 2016

13 **I. RELIEF REQUESTED**

14 1. Plaintiff, by and through his attorneys, seeks leave of the Court pursuant to
15 Fed. R. Civ. P. 4(m) to extend the time of service for an appropriate period in order to
16 attempt service of what is believed to be MARCIO ANDRADE's ("Defendant")
17 residence.

18 **II. STATEMENT OF FACTS**

19 2. Plaintiff's First Amended Class Action Complaint ("Amended Complaint") was filed on
April 6, 2016 (Document 9).

1 3. On or about April 12, 2016, the Amended Complaint, along with a request for waiver of
2 service, was mailed to the address listed for the “Registrant Name” of Defendant 99th
3 Floor LLC’s website TOPTRADELINES.COM: 228 Park Avenue South, #25825, New
4 York, NY 10003.

5 4. On or about June 21, 2016, Superior Services JD, Inc. (“SSJDI”) was provided the
6 Summons and Amended Complaint and paid \$95.00 to serve Defendant at 228 Park
7 Avenue South, #25825, New York, NY 10003.

8 5. Since ordering the service from SSJDI, Plaintiff’s attorney has yet to receive any
9 document at all from SSJDI.

10 6. Since ordering the service from SSJDI, Plaintiff’s attorney has placed phone calls to
11 SSJDI, having received no answer or response from a voicemail left requesting status of
12 the order for service of process.

13 7. On or about July 18, 2016, Plaintiff’s counsel located a residential address in Florida,
14 which is believed to a possible residence of Defendant (*see* Exhibit A).

15 8. On July 18, 2016, Plaintiff’s counsel ordered expedited service of the Summons and
16 Amended Complaint via the website of the Florida Association of Professional Process
17 Servers for the residential property identified in Exhibit A.

18 9. This motion is supported by the accompanying Declaration of Ryan Pesicka.

17 Dated: July 18, 2016.

Respectfully submitted,

18 **CONCORD LAW, P.C.**

19 By: *s/Ryan M. Pesicka*

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21 *Attorney for the Plaintiff*

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